IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/525,914	Confirmation No. 1001
Applicants	:	TAKIKO NAKADA et al.	
Filed	:	October 24, 2005	
Title	:	PLUG FOR CONTAINER AND METHOD OF PRODUCING THE SAME	
Group Art Unit	:	3781	
Examiner	:	Robin Hylton	
Customer No.	:	28289	

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ELECTION WITH TRAVERSE

Sir:

The present communication is submitted in response to the Office Action dated December 2, 2008, in which the Examiner required restriction to one of the following groups:

Group I: Claims 14-22 and 27-29, drawn to a container stopper; and

Group II: Claims 23-26, drawn to a method of forming a container stopper.

Applicants hereby elect to prosecute the invention of Group I as set forth in claims 14-22 and 27-29, drawn to a container stopper. Applicants make this election without prejudice to the later filing of a divisional application directed to non-elected Group II. This election is respectfully made with traverse.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on the date below.

January 2, 2009 Judy Eberle
Date Signature

Judy Eberle
Typed Name of Person Signing Certificate

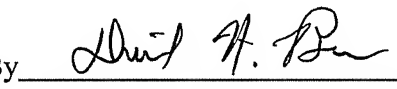
In order to properly restrict between the above-defined groups: (1) the claimed inventions must be independent and distinct, and (2) examining the two groups together would be a serious burden to the Examiner. MPEP §803. "The term "independent" (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect." MPEP §802.01. Here, the inventions of Groups I and II are not independent as claimed because practicing the method of Group II results in the product of Group I. Also, the method of Group II involves the bonding of a resin skin to a liquid-contact surface and the outer peripheral surface of the core, as is required by the product claims of Group I. See, e.g., claim 14 (reciting that "the skin is bonded to the liquid-contact surface and the outer peripheral surface of said core."). Therefore, the inventions of Groups I and II are connected in design, operation, and effect, and should not be subject to restriction because they are so linked as to form a single general inventive concept. 37 C.F.R. §1.475(a).

Further, Examining Groups I and II together would not pose a serious burden to the Examiner. The relatedness of the inventions makes it such that their concurrent search and examination would be more efficient than if they were examined separately. Because the inventions are not independent and distinct, "the Examiner must show by appropriate explanation" (A) that the inventions are separately classified, (B) that the inventions have obtained a separate status in the art, or (C) that the inventions would involve different fields of search. MPEP §808.02. The Examiner has not made such a showing that examining the inventions of Groups I and II together would pose a serious burden. Also, the PCT Examiner examined all of the corresponding PCT claims, indicating that unity of invention exists and that a concurrent search and examination is not overly burdensome. Therefore, restriction is improper in this instance.

For the foregoing reasons, Applicants respectfully request that the restriction requirement be withdrawn, and that the claims of Groups I and II be permitted to be prosecuted together in the present application.

Respectfully submitted,

THE WEBB LAW FIRM

By 

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